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| STRAUB & POKOTYLO 788 Shrewsbury Avenue TINTON FALLS, NJ 07724 | | | EXAMINER NGUYEN, SIMON | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,236

Applicant(s)

WADA ET AL.

Examiner

SIMON NGUYEN

Art Unit

2618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40,42-61,63-76 and 135 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40,42-61,63-76 and 135 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 40-76, and 135 have been considered but are moot in view of the new ground(s) of rejection.

A new cited art to Kondo et al. (US 7,895,274 B2) discloses a communication terminal (11) equipped with a camera for capturing image, inserting an **address** of the terminal to the captured image, displaying the captured image, storing the captured image, and transmitting the address of the terminal together with the captured image to a server, wherein the server executes a processing for providing the processed image data to the terminal such as determines an image processing capacity of the terminal and converting an image size of a source image data matching to the terminal (abstract, figs. 1-11). Therefore, Kondo discloses the creation of information including an **address** specifying the information acquisition terminal as claimed and argued in Remarks.

Kondo further discloses a plurality of modes to be selected in the terminal such as a capture mode, a send (transmit or mix) mode since the send mode includes mixing the address or other information to the captured image prior to sending to the server (abstract, figs. 1-11) and an acquisition mode (requesting the server for providing content to the terminal (column 1 line 7-12, 27-60).

Kondo further discloses detecting a user operation of a shutter in order to transmitting the request to the server, capturing the image, or transmit the information

request to the server and to capture image data (fig. 11, column 4 lines 9-18, column 6 lines 62-67, column 7 lines 1-11, column 9 line 1 to column 10 line 67).

Furthermore, Kondo also discloses taking image through a direction of lens (camera 33) equipped in the terminal which means that the information signal in a direction through an optical axis of the camera lens.

Kusaka also discloses capturing the image via the lens, wherein the captured image along with user ID information are sent to the server (figs. 2-3, abstract) which means that the information request signal (the captured image and the user ID information) in a direction through an optical axis of the lens.

In conclusion, subject matters that have not disclosed in Kusaka being taught by Kondo as pointed out above.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 40, 42-56, 63-72, 76, and 135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusaka et al. (US 2004/0109063) in view of Squilla et al. (6,396,537 B1) and Kondo et al. (US 7,895,274 B2).

Regarding claim 40, Kusaka discloses information acquisition device 100 (figs. 2, 4), which acquires digital information (image), comprising: a first transmission unit (by

wireless portable telephone circuit 72 of fig.4) having directivity and wirelessly transmitting an information request signal in a direction of the directivity (identification information of an image file it wishes to read in a plurality of image file in image servers) (paragraphs 222, 234); a reception unit (by the wireless portable telephone circuit 72 of fig.4) receiving the image file transmitted by a gateway server in a reception signal (abstract, paragraphs 223, 234); an address for image identification for each application (paragraphs 268, 351, 534) which means that each captured image has its own address (by adding address for the captured image) to identify stored images, wherein the captured images can be stored according to addresses in the memory 59 or 77 of fig.4 which is also meant that an information addition unit for adding an address is inherently in the information acquisition device; an image capturing unit obtaining image data by capturing a subject image in a same direction as the directivity direction of the signal transmitted by the first transmission unit and an information storage unit for storing the captured image (59, 77 of fig.4, paragraphs 228, 232-236); an information representation unit (display) for displaying the stored image data (paragraphs 227-228, 233, 236); an operation unit (CPU 50 or shooting control unit 60) for issuing an instruction to start acquiring information and an image in on of a plurality of modes (for example, acquiring by shooting picture with a camera (as a first mode) or acquiring by transmitting the image identification to server and obtain the identified image by wireless portable circuit 72 (as a second mode) and the reception unit (wireless portable telephone circuit 72) for receiving the information from the server and stored in the memory 77 (paragraph 234) which means that the circuit 72 as a wireless receiver

without directivity (figs. 1-4, 16-19, 32-33, 37, 77-78, 82, 121-122 paragraphs 222-237, 247, 255), wherein Kusaka further discloses different operation modes of the device such as a capture mode, a transmit mode; a mix mode such that mixing the captured image and inserted information prior to sending to the server (paragraphs 331-334, 336, 345, 397-398, 400), wherein Kusaka further discloses detecting a user operation of the shutter button to capturing and transmitting the image (paragraphs 10, 263, figs. 2-3, 16-17). However, Kusaka fails to teach the transmission unit has directivity and that the transmission unit radiates the information request signal

Squilla discloses method and apparatus for collecting data from a scene such as attractive site 10 through camera 24 (abstract, fig.2), wherein the camera comprises image capturing unit 44 to capture a subject image through lens 28 when the camera is brought into the communicating range of the image spot 10 (as the attractive site 10) via a first transmission unit (wireless link 60 or wireless link 74a-b), wherein the wireless link 60 is a directivity of the image spot 10, capturing the image spot, and storing in the memory 48 (column 4 lines 54-67, column 5 lines 1-45, column 6 line 46 to column 6 line 50) which means that the wireless link 60 radiates the information request signal to capture the image spot; wireless transceiver 30 having a reception unit for receiving a radio signal address to the reception unit and wirelessly transmitting to the attractive site 10 via wireless transceiver 18 or to server 70 via wireless transceiver 80 (figs.2-3, column 3 line 36 to column 5 line 45), wherein the reception unit for receiving information via the wireless transceiver 30 from the wireless transceiver 18 of the attractive site 10 and the wireless transceiver 80 of the server 70 is considered as no

directivity and broader directivity than the first transmission unit (as the wireless link 60) (column 4 lines 3-25, 54-67, column 6 line 46 to column 6 line 50). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Kusaka, modified by Squilla to allow a user enabling interactive communication between a camera and an attraction site so that information relevant to a user's interests can be easily requested and accessed. However, Kusaka and Squilla fail to teach an address of reception unit is created.

Kondo discloses an information processing apparatus for providing image data to a terminal (abstract, fig. 1), wherein the terminal comprises an input unit for inserting an address of the terminal to which a captured image data is to be transmitted and a transmitter for transmits the address of the terminal together with the captured image data to a server (abstract). therefore, it would have been obviously to one skilled in the art at the time the invention was made to have modified Kusaka, modified by Kondo in order to make sure requested information is sent back to a requesting user.

Regarding claim 135, this claim is rejected for the same reason as set forth in claim 1, wherein Kusaka further discloses a detection step to detect an operation to start information acquisition to capture image (figs. 3, 6, 14-17, 19, 21-22, 32, 34), and wherein Squilla further discloses starting information acquisition to capture image (column 4 line 26 to column 6 line 65).

Regarding claim 42, Kusaka further discloses an information transmission unit (72 of fig.4) externally transmitting the information or image data stored (in 59 or 77 of fig.4) to a server (figs. 1, 4, abstract).

Regarding claim 43, Kusaka further discloses selecting an image and transmitting a request to the server for the selected image (abstract, paragraphs 220, 227, 249, 256, 258, 271, 273, 278, 329, 346, 364).

Regarding claim 44, Kusaka further discloses transmitting information to an address (server) indicating a predetermined destination (fig.1, paragraphs 276-278, 367-369, 459-460, 550-552).

Regarding claim 45, Kusaka further discloses a setting unit setting information relating to a type of information received and acquired by the reception unit and adds information to a type of information set by the setting unit to be transmitted (figs.3-4, 16-19, 32-33, 37, 77-78, 82, 121-122, paragraphs 246-247, 309, 313, 333-334, 342, 352, 435, 525).

Regarding claims 46-47, Kusaka further discloses an information screen unit for screening the information received by the reception unit, selecting, and storing the screened information (paragraphs 228, 233, 236, 237, 245, 249, 290, 299, 306, 312, 403, 495, 586).

Regarding claim 48, Kusaka further discloses wherein the information relating to the type of identification as a type of information (identification of image) (abstract, paragraphs 234-241).

Regarding claim 49, Kusaka further discloses the type of information relating to a size of information (paragraph 11).

Regarding claim 50, Kusaka further discloses the type of information relates to address information in a network (paragraphs 276-278, 367-369, 459-471, 534, 550-552).

Regarding claim 51, Kusaka further discloses server address designating an information providing the inquired information ((paragraphs 276-278, 367-369, 459-471, 534, 550-552), wherein Kusaka further discloses first and second transmission units (for picture taken (use transmission 31 and reception 32 of figs.32, 77, or photometric circuit 13, wireless portable telephone circuit 72, GPS circuit 61 of figs. 4, 33; or short distance wireless circuit 276 for camera, and wireless phone circuit for transmitting information to server (fig.37).

Regarding claim 52, Kusaka further discloses the camera (the second transmission unit) wirelessly transmits an electromagnetic wave including light and sound wave (figs. 3, 33, 77, 121, 125, paragraphs 230-231, 287-288, 378-379, 470-471, 561-562).

Regarding claim 53, this claim is rejected for the same reason as set forth in claim 51.

Regarding claim 54, Kusaka further discloses selecting information including the identification of selected information which will be transmitted (abstract, paragraphs 234-241).

Regarding claim 55, Kusaka further discloses a warning when the information acquired is incomplete (paragraph 249).

Regarding claim 56, Kusaka further discloses retransmitting the image (paragraphs 331, 423, 514, 606).

Regarding claim 63-64, Kusaka further discloses the captured image, equipment information, and added information are stored in memories 59, 69, 77 prior to be transmitted (figs. 4, 6, 9-10, 34, 35, 39, paragraphs 236-237, 258, 290-293, 296, 507, 509, 576, 601).

Regarding claims 65-66, Kusaka further discloses a history storage unit, an acquired information determination unit (screen control circuit 92 of figs. 33, 78) and the storage unit for storing the acquired information (figs. 4, 33, 34, 35, 39, paragraphs 296, 302, 304, 324, 326, 395, 416, 418, 507, 509, 576, 601).

Regarding claims 67-70, Kusaka further discloses a detection of information provides for the information acquisition device in the direction of the directivity of an image (figs. 34, 79, 92, 97-102).

Regarding claims 71-72, Kusaka further discloses updating of the control program or subroutine (paragraphs 247, 250, 252, 326, 418, 509, 601), wherein the updating the control subroutine inherently includes detecting/checking unreasonable program and deleting unreasonable program.

Regarding claim 76, Kusaka further discloses the device used in a public network (Internet) (fig.1).

4. Claims 57-61, 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusaka et al. (US 2004/0109063) in view of Squilla et al. (6,396,537 B1) and Kondo, and further in view of Iida (US 2004/0053637).

Regarding claims 57-58, the modified Kusaka fails to teach warning when the storage is fully occupied.

lida discloses a communication device for capturing images in a communication system, wherein the system generates a warning when the storage is fully occupied (paragraph 100). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified Kusaka, modified by lida to notify a user the storage is run out of space for storing image which will improve the system performance.

Regarding claims 59-61, lida further discloses if data memory 28 becomes almost fully occupied, image data sets are stored in recording medium 32 (paragraph 100). It should be noted that in order to know the data memory to be fully occupied as cited by lida, lida inherently sets a maximum value of the size of the information acquired into the memory.

Regarding claims 73-75, lida further discloses encryption/decryption information (paragraphs 37, 105). It should be noted that, for prevention unauthorized person to access stored information, the information must be decrypted and only be encrypted for authorized person only.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 14, 2011

/SIMON D NGUYEN/

Primary Examiner, Art Unit 2618

